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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/600,209

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Dhananjay V. Keskar

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EXAMINER

SMITH, CREIGHTON H

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

08/11/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/600,209

Applicant(s)

KESKAR ET AL.

Examiner

CREIGHTON SMITH

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 JUL '11.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9,10,12-14,16-18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) 3,8,11,15,19 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-7, 9-10, 12-14, 16-18, 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ ~~Copies of the certified copies of the priority documents have been received in this National Stage~~
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 12-14, 16-18, 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bork et al in view of O'Neil et al and Callaway, Jr., U.S. Pat. App. Pub. #2002/0106995, now U.S. Pat. #6,862,433 or Holman, IV, U.S. Pat. App. Pub. #2004/0214594

Bork et al wireless communication device has an intelligent alerting system, col.3, lines 34-36. The wireless device has an alerting system that is determined from the operating environment. The terminal's CPU will adjust the audio, visual, and tactile alerting signals based on a user's "physical context information," col. 2, lines 4-6 & 57-65, where Bork et al disclose that the wireless device samples the noise levels surrounding the terminal and other inputs such as light, temperature, and motion sensing and the date. Bork et al sampling of the light, temperature, noise, and motion reads on applicant's physical context information in P.0010, lines 6-9.

Bork et al also disclose that the user's location information is input into the wireless in order to devise an optimum alert sequence where they state that one of the inputs can be a local network ID, col. 2, lines 58 & 61; col. 6, line 61; col. 7, line 55; col. 10, lines 4 & 5. In col. 8, lines 30-40, Bork et al disclose that the **position** of the wireless device can be determined by a GPS receiver located within the wireless device 200, or

alternatively the position of the wireless handset could be determined through a control channel. In lines 36 et seq. of col. 8, Bork et al disclose that in addition to using the position data, processor 218 may use the cellular network identification to determine the optimum alert sequence. Both of Bork et al position data (using GPS) and cellular network identification reads upon applicant's "user-specific location information."

Bork et al fail to disclose applicant's "schedule information" which is one of the inputs going into their alerting system, nor does Bork et al disclose applicant's orientation sensor. However, O'Neill et al do disclose in P.0076 a Personal Information Manager that keeps a calendar for the customer notifying him/her of appointments, meetings, deadlines, etc. Callaway, Jr. discloses in P.0028 an alerting circuit 106 and an orientation sensor 92. For Holman, IV, see P.0024. To have incorporated O'Neill et al teaching of using a calendar/scheduling information as part of the alerting/notifying means in Bork et al wireless device would have been obvious to a person having ordinary skill in the art because both Bork and O'Neill et al are disclosing different input means that are used to generate alerts in mobile devices, and the skilled artisan in the wireless arts, with these 2 references in front of her, would have found them readily combinable because of the fact that different inputs are being used to generate the alerts in Bork than in O'Neill, but common sense would show that the alerts of either reference could easily be used in the other reference. To have also provided Callaway, Jr.'s teaching of an orientation sensor in Bork et al would have been obvious to a person having ordinary skill in the art because both references are teaching sensors in mobile phones.

Claims 1, 2, 4-7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bork et al in view of Parupudi et al, U.S. Pat. #7,076,255.

Parupudi et al disclose in col. 22, lines 36-39, that the Outlook calendar is location aware. In col. 21, lines 62 et seq. Parupudi et al disclose that once location service module 602 has determined the device's location it can receive queries from applications 608, such as Outlook. In col. 22, lines 14 et seq. Parupudi et al disclose that Outlook application will query location service module 602 to ascertain the location because it may change the device settings based on the location of the computing device. Parupudi et al disclose that the computing device is a cell phone, col. 4, lines, 9-10. Therefore, Parupudi et al scheduling information, i.e. the Outlook calendar is stored in the cell phone/computing device. To have provided Parupudi et al teaching of using scheduling information as a setting to change a mobile device's alerting system in Bork et al would have been obvious to a person having ordinary skill in the art, because both Bork et al and Parupudi et al are changing the alerting system of their mobile phones based on a user's context; Bork @ col. 1, 21-23 and Parupudi et al in the Abstract.

For claim 2, Bork et al disclose in col. 2, line 7, that the mobile device will modify its behavior modification by generating either a tactile or visual sign. This meets applicant's limitation in claim 2 of a flashing display screen and a blinking LED. Parupudi et al disclose in their Abstract that the user context/location-aware information is used to modify the cell phone's behavior by turning the cell phone off (silent mode),

changing the pitch (lowering and raising the volume), or placing the phone in vibrate mode.

For claim 4, Bork et al disclose in col. 2, lines 35 et seq. that one of the physical pieces of information is "passive audible sensing" which meets applicant's limitation of "ambient noise information." In lines 56 et seq. of col. 2, Bork et al disclose some other physical pieces of information that affect the alerting signal in the wireless device are: light, temperature, and motion sensing.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to CREIGHTON SMITH at telephone number (571)272-7546.

Application/Control Number: 10/600,209
Art Unit: 2614

Page 6

/CREIGHTON SMITH/

Primary Examiner, Art Unit 2614

10 AUG '11